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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Written statement* submitted by the International Indian Treaty Council, a non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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The militarization of Indigenous lands was the direct cause of many human rights violations occurring throughout the world. The International Indian Treaty Council is extremely concerned about the role of nation/states in many of these often violent incidences where Indigenous Peoples are victimized, dislocated, or forced to defend what little resources are left for them and their families.

The IITC has recently received the following information from impacted communities and non governmental organizations. We urgently call the attention of the members of the Commission to these grave situations facing Indigenous Peoples.

In Guatemala, the National Coalition of Campesino Organizations (CNOC), including IITC affiliate Comite de Unidad Campesino (CUC), have presented a list of demands to the Guatemalan government that address concerns regarding the inefficiency of governmental institutions designed to address land conflicts and distribution, labor rights violators, and failure to comply with housing and rural development commitments made during the peace negotiation process.

The mobilization organizers have also demanded justice in recent cases of threats, attacks and murders of land rights activists. For example, last year Teodoro Saloj Panjoj, Sarbelio Ramos Hernandez and Eugenio Garcia have been assassinated in response to their community organizing for land rights. Many others have been attacked and threatened.

On September 27, 2001 security guards from the Las Quebradas plantation shot and killed Eugenio Garcia. Mr. Garcia was killed while walking to his field from his home in the village of Los Cerritos, Morales, Izabal in eastern Guatemala. Several witnesses, including 3 police officers, identified by name the assailant, a member of the plantation's private security force.

The IITC, and the CNOC are extremely concerned about the safety of this community. This was the second murder of a community member in eight months. On April 15, 2001 a member of the same community, Sarbelio Ramos Hernandez, was also ambushed, shot and killed while walking to town. There has been no serious legal investigation into his murder to date.

The IITC and CNOC are disturbed about apparent complicity of local authorities in repression against communities reclaiming their land rights. Three National Civil Police officers reportedly accompanied the plantation's private security force to the scene of the ambush against Mr. Garcia and then departed with the assailants! The police claim that they arrived at the scene to investigate an alleged robbery. However local witnesses state that they were instead accompanying the assailants.

In addition, community members claim that the Mayor of Morales has threatened community land activists. Though clearly identified by witnesses and despite the fact that an arrest warrant has been issued, the material author of the murder and his accomplices have not been detained. It has been reported that the assailants are still in the area.

For many years the families of Los Cerritos and other villages adjoining the Las Quebradas plantation have contested the land claims of various supposed owners of that plantation. Historically, the communities have always lived on and cultivated this land. During the 1950's they received title to the land.

The IITC requests that the Special Rapporteur on Terrorism and Human rights, Ms. Kalliopi K.

Koufa, focus attention on the critical situation of Indigenous Peoples in her second progress report in relation to broadening the concept of State and State-sponsored terrorism to include the concept of sub-State (Individual or privately sponsored) terrorism. There is an urgent need to address its role in the treatment of Indigenous peoples. In recent decades, open conflicts between "non-State" groups such as Indigenous peoples, versus state as well a privately funded paramilitary groups have increased in frequency as well as ferocity.

In the meantime, negotiated peace accords are not being implemented to protect the rights of Indigenous Peoples who continue to be detrimentally impacted by these conflicts. In some cases on-going peace negotiations have stalled. Recommendations to States for the realization of just and lasting peace in key conflicts in Indigenous Peoples' territories are as follows:

1. Implement fully the Chittagong Hill Tracts Accord of 1997 between the Parbatya Chattagram Jana Samhati Samiti and the Government of Bangladesh;

2. Implement fully the 1996 Guatemala Agreement on a Firm and Lasting Peace between the Unidad Revolucionaria Nacional Guatemalteca (URNG) and the Government of Guatemala, particularly the Agreement on the Identity and Rights of Indigenous Peoples;

3. Implement and reinvigorate the San Andres Accord between the EZLN (Zapatistas) and the government of Mexico;

4. Resume the stalled peace negotiations between the National Democratic Front-Communist Party of the Philippines-New Peoples' Army and the Government of the Philippines;

5. Resume the peace negotiations between the Moro Islamic Liberation Front and the Government of the Philippines;

6. Overcome the setbacks in the ongoing peace talks between the National Socialist Council of Nagaland and the Government of India.

In Algeria, the paramilitary's recent brutal repression of the Amazigh peoples (also known as Berbers) have not gone unnoticed by Indigenous communities of the world. The IITC calls for your attention to the plight of Amazigh Peoples, the original inhabitants of North Africa, who number more than 25 million, with the majority living in Morocco and Algeria. Romans, carthaginians, Vandals, Byzantines, Arobs, Spaniards, Turks and the French have successively invaded and occupied North Africa.

Well before the North African countries of Morocco and Algeria gained their independence from France, the Amazigh (Berber) segment of their population were subjected to discrimination and intimidation.

Since April 18, 2001, the Kabylia region of Algeria has been subject to bloody and fierce repression, reportedly by the Algerian paramilitary and police force. So far, over 90 unarmed youth, including high school students and children, were murdered by the Algerian paramilitary gendarmes. Thousands have reportedly been injured and tortured. 131 are missing. Most were shot in the back with real and explosive bullets.

These actions occurred following several provocations by the gendarmes prior to and during

peaceful demonstrations, after a high school student, Massinissa Guermah, was murdered with a hail of machine-gun fire by the gendarmes while in custody, on the eve of the commemoration of the Amazigh Spring.

The violent tactics of the Algerian government are leading to social unrest, ethnic cleansing and the destabilization in the North Africa region. Berber-speaking villagers report that they are being subjected to racist treatment, and punitive expeditions by the security forces. As a consequence, entire villages are being abandoned by their inhabitants to escape this situation.

Ms. Helene Flautre, deputy and member of the European parliament delegation visiting Algeria during May 18-23, 2001 while on official visit, met with both high officials of the regime and the young protesters in Tizi-ouzou. Ms. Flautre also met the families of the victims of the Kabylia demonstrations, and to assemble testimonies from the injured people there. The meeting took place at the Human Rights and Citizenship Office.

At the end of the meeting, Helene Flautre said to the press: "These testimonies will serve to present what I understand is happening in Kabylia, present an eyewitness of the violence there, and clarify that the official discourse based on self-defense is wrong. There are a plethora of concrete events and testimonies invalidating such discourse and that the situation is not that of self-defense. There is a great will to kill and killings happened very far away from the police barracks. The claim of self-defense essentially becomes erroneous after such testimonies."

Retired general Khaled Nezzar (considered to be one of the top decision-makers in the country) was quoted as responding "When the gendarmes feel threatened, the law authorizes them to shoot. But public opinion doesn't like real bullets. We should perhaps start thinking of using rubber bullets."

The IITC calls on the Algerian government to establish immediately an independent and impartial commission of inquiry to investigate the thousands of human rights violations and abuses committed in Algeria since 1992 by the security forces, state armed militias and armed groups.

Finally, in Brazil, the Pataxo Ha-Ha-Hae now wait for a final decision from the justice of the Supreme Federal Court (STF), Nelson Jobim. Since 1982 the IITC has reported to the Commission on Human Rights on the situation of the Pataxo Ha-Ha-Hae, who have suffered nearly 20 years of conflict and displacement by gold miners and land grabbers, several court cases, the deaths thirteen of their leaders while defending their ancestral territories in the southern Bahia region against invasion and destruction by the miners and farmers.

It is the desire of the Pataxo Ha-Ha-Hae that the Brazilian Supreme Federal Court to issue a decision on an Action to Nullify Title Deeds to farms that encroach upon their lands. The IITC appeals to the UN Special Rapporteur on Indigenous Issues to review the case, monitor the process, and to assist in bringing about the long awaited demarcation of Pataxo Ha-ha Hae territories.

For all our relations.